

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

OCT 31 2003

WALTER STEPHEN JACKSON, et al.,

R. Austin March
CLERK

Plaintiffs,

vs.

No. CIV 87-839JP/LCS

LOS LUNAS CENTER FOR PERSONS
WITH DEVELOPMENT DISABILITIES, et al.,

Defendants.

and

THE ARC OF NEW MEXICO,

Intervenor,

and

MARY TERRAZAS, et al.,

Intervenors pro se.

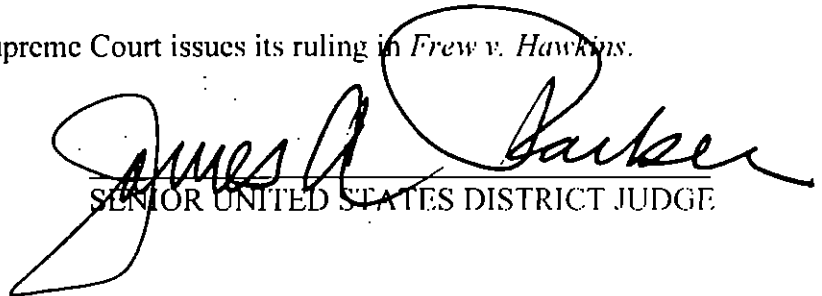
ORDER

On October 27, 2003, Defendants filed Defendants' Motion to Vacate Joint Stipulation on Disengagement Pursuant to Rule 60(b) (Doc. No. 1404), Defendants' Memorandum in Support of Motion to Vacate Joint Stipulation on Disengagement (Doc. No. 1405), and Defendants' Motion to Stay Proceedings Pending the United States Supreme Court's Decision in *Frew v. Hawkins* (Doc. No. 1406). At a status conference on October 29, 2003 attended by numerous counsel representing all of the parties and pro se Intervenor Dr. Charles Woodhouse, Defendants' motions were discussed with the Court. The Court was informed that the United States Supreme Court heard oral arguments in *Frew v. Hawkins* and that a ruling in the case by

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the United States Supreme Court is anticipated within the next few months. The ruling by the United States Supreme Court in *Frew v. Hawkins* will be determinative of or will strongly influence resolution of Defendants' two motions filed October 27, 2003. The Court determines that Defendants' requests for relief made in the motions are premature at this point and should not be considered until after the United States Supreme Court issues its ruling in *Frew v. Hawkins*. Consequently, this Court determines that the Defendants' motions should be denied without prejudice to Defendants renewing the motions, if appropriate, after the United States Supreme Court issues its ruling in *Frew v. Hawkins*.

IT IS THEREFORE ORDERED THAT Defendants' Motion to Vacate Joint Stipulation on Disengagement Pursuant to Rule 60(b) (Doc. No. 1404) and Defendants' Motion to Stay Proceedings Pending the United States Supreme Court's Decision in *Frew v. Hawkins* (Doc. No. 1406) are denied as prematurely filed, without prejudice to Defendants refiling the motions, if appropriate, after the United States Supreme Court issues its ruling in *Frew v. Hawkins*.


SENIOR UNITED STATES DISTRICT JUDGE